

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALFONSO PERCY PEW,

Plaintiff,

v.

LT. SHERMAN, *et al.*,

Defendants.

No. 1:21-CV-00949

(Chief Judge Brann)

(Magistrate Judge Carlson)

**ORDER**

**MAY 6, 2022**

Alfonso Percy Pew filed an amended 42 U.S.C. § 1983 civil rights complaint alleging that numerous individuals violated his civil rights by refusing to move him from a cell block guarded by an officer against whom Pew had lodged a complaint.<sup>1</sup> Defendants have now filed a motion to revoke Pew's *in forma pauperis* status.<sup>2</sup> On April 8, 2022, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court deny Defendants' motion.<sup>3</sup> No timely objections were filed to this Report and Recommendation.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.<sup>4</sup> Regardless of whether objections

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<sup>1</sup> Doc. 20.

<sup>2</sup> Doc. 29.

<sup>3</sup> Doc. 42.

<sup>4</sup> Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.<sup>5</sup> Upon review of the record, the Court finds no error in Magistrate Judge Carlson’s conclusion that Pew should be permitted to proceed *in forma pauperis*. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 42) is **ADOPTED**;
2. Defendants’ motion to revoke Pew’s *in forma pauperis* status (Doc. 29) is **DENIED**; and
3. This matter is **REMANDED** to Magistrate Judge Carlson for further proceedings.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge

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<sup>5</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.